

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MAZEN F. SAID, : CIVIL NO. 1:CV-07-1028
Plaintiff : (Judge Rambo)
v. : (Magistrate Judge Blewitt)
JANINE DONATE, *et al.*,
Defendants

ORDER

Before the court is a June 29, 2007 report of the magistrate judge to whom this matter was referred which recommends that Plaintiff's First and Eighth Amendment claims against all Defendants be dismissed; that Plaintiff's motion for summary judgment be denied; that Plaintiff's request to proceed *in forma pauperis* be granted; and that Plaintiff not be permitted to file an amended complaint. Plaintiff has not filed objections to the report and recommendation but did file on July 5, 2007, a letter attaching copies of grievance slips.

The court believes that Plaintiff should be entitled to amend his complaint as to his First Amendment claim. Such amended complaint shall name those defendants who personally allegedly deprived Plaintiff of his request for a Halal meat meals or Kosher meals, describe what those meals consist of, what he usually receives in his meals, and how not receiving a “Halal meat meal” places a substantial burden on the exercise of his religious freedom. Plaintiff interchangeably refers to the need for a Kosher meal or a Halal meal. He shall identify the difference and which meal he is seeking to obtain.

The amended complaint shall be complete in all respects. It shall be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed. *Soto v. Jeffes*, M.D. Pa. Civil No. 76-1155 (Memorandum and Order, Nealon, C.J., March 9, 1977), at 3. The amended complaint shall also be "simple, concise, and direct" as required by the Rules of Civil Procedure. Fed. R. Civ. P. 8(e)(1).

IT IS THEREFORE ORDERED THAT:

- 1) The court adopts in part and rejects in part the report and recommendation of Magistrate Judge Blewitt.
- 2) The report and recommendation is adopted as follows:
 - a) Plaintiff is granted leave to proceed *in forma pauperis*;
 - b) Plaintiff's motion for summary judgment is denied; and
 - c) Plaintiff's Eighth Amendment claim is dismissed.
- 3) The report and recommendation is rejected as to the First Amendment claim.
- 4) Plaintiff is granted leave to file an amended complaint consistent with this order no later than August 20, 2007. Failure to file a timely amended complaint will result in the dismissal of the complaint in its entirety.
- 5) This case is remanded to Magistrate Judge Blewitt.

s/Sylvia H. Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: July 30, 2007.